

18489. Adulteration of fluid extract ergot. U. S. v. Two 1-Pint Bottles of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24774. I. S. No. 010621. S. No. 3133.)

Examination of the fluid extract ergot from the shipment herein described having shown that the article had a potency of about one-half that required by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On May 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two 1-pint bottles of fluid extract ergot, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa., on or about October 19, 1929, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fluidextract Ergot, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed in strength, quality, and purity from the pharmacopoeial specifications, in that it had an activity of from one-fourth to one-third of that required by the United States Pharmacopoeia for ergot.

On July 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18490. Misbranding of Lincoln tea. U. S. v. 10½ Dozen Packages, et al., of Lincoln Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25550, 25551. I. S. Nos. 11668, 11670. S. Nos. 3817, 3824.)

Examination of a drug product, known as Lincoln tea, having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on February 16, 1931, an amended libel, praying seizure and condemnation of 44½ dozen packages of Lincoln tea, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Fort Wayne Drug Co., from Fort Wayne, Ind., on or about October 25, 1930, and had been transported from the State of Indiana into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of plant drugs including senna, couch grass, star anise, camomile, and coriander.

It was alleged in the libel as amended that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lincoln Tea for the Liver and Kidneys. Composed entirely of roots and herbs, a simple vegetable combination which assists nature in cleaning up the harmful effects of over-eating and unwholesome food. * * * an aid in purifying the Blood, and is excellent in cases of Dyspepsia, * * * and similar ailments due to a sluggish or inactive condition of the Bowels;" (circular) "Lincoln Tea is an Excellent Remedy for Headache, Scrofula, Constipation, Kidney Trouble, Indigestion, Biliousness, Heartburn, and other troubles arising from disordered weak digestion or inactive Kidneys or Liver. * * * a medicine which will help build up the weakened system to its normal condition. * * * Lincoln Tea is a combination of simple herbs and roots which help nature to throw off the harmful excess which comes from overeating and from unwholesome food. This excess may result in poisoned blood, which brings on Kidney, Stomach and Bowel disorders. Rheumatism is also attributed to imperfect elimination and inactive liver and kidneys, and many other ailments can be traced to the same cause. If you are a victim of poor elimination, that is to say, if your bowels

are not performing their function properly, give Lincoln Tea a trial. Use it according to directions faithfully for a month or two. The regular discharge of waste matter from the system will greatly improve the bodily condition and greater endurance, more vitality, a clear mind, and elastic step will be the outcome. Lincoln Tea for Stomach, Bowels and Liver * * * Impure Blood Is Usually the Result of Constipation, a sluggish condition of the bowels caused by torpid liver, and a failure to properly discharge the waste product of digestion. If this condition is not promptly corrected the poisons produced will be absorbed into the system, resulting in Liver, Kidney, Stomach and Bowel troubles. Lincoln Tea, when taken with regularity, will open up the clogged sewer of the system and remove the primary cause of impure Blood."

On June 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18491. Misbranding of Nau's Dyspeptic Relief. U. S. v. 36 Bottles of Nau's Dyspeptic Relief. Default decree of destruction entered. (F. & D. No. 25070. I. S. No. 018560. S. No. 3146.)

Examination of a drug product, known as Nau's Dyspeptic Relief, showed that the article consisted of a liquid and tablets intended to be used conjointly, both contained in a carton, and that the outer carton label, the bottle label, and the inner carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On August 23, 1930, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of the said Nau's Dyspeptic Relief, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by Frank Nau from Portland, Oreg., on or about March 15, 1930, and had been transported from the State of Oregon into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of two preparations, one a liquid and the other tablets; the liquid consisted essentially of extracts of plant drugs including berberis and licorice, glycerin, alcohol, and water; the tablets contained bismuth subnitrate, sugars, a trace of ginger, and peppermint oil.

It was alleged in the label that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton inclosing liquid and tablets) "Dyspeptic Relief * * * for Relief in Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, * * * Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth, Gnawing at Pit of Stomach, * * * Coated Tongue, Headache, Dizziness;" (bottle label) "Dyspeptic relief * * * for Stomach troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets to be taken in conjunction with the liquid medicine to assist in relief of stomach troubles, dyspepsia, indigestion, * * * dilatation and catarrh of the stomach * * * remedy."

On October 25, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18492. Misbranding of Clay's rheumatic medicine. U. S. v. 69 Bottles of Clay's Rheumatic Medicine. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 25252. I. S. No. 3950. S. No. 3540.)

Examination of a drug product, known as Clay's rheumatic medicine, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.